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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/667,638	09/22/2000	HISAO NAKAGAWA	862.C2006	8163

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EXAMINER

NGUYEN, MAIKHANH

ART UNIT	PAPER NUMBER
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2176

DATE MAILED: 05/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/667,638

Applicant(s)

NAKAGAWA ET AL.

Examiner

Maikhanh Nguyen

Art Unit

2176

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-10 and 69 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-10 and 69 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to communications: RCE filed 02/13/2006 to the original application filed 09/22/2000.
2. Claims 1-2, 4-10, and 69 are currently pending in this application. Claim 69 has been added. Claims 3, 11-68 have been canceled. Claims 1 and 9-10 are independent claims.

Request Continuation for Examination

3. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 02/13/2006 has been entered.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary

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skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

(b) This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 1-2, 4-10, and 69 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Wolff** (U.S. 6,209,048 – filed 02/1996) in view of **Dan et al.** (U.S. 6,560,639 – filed 12/1999).

As to claim 9:

Wolff teaches a method of controlling an information processing apparatus (*e.g., a peripheral control mechanism*) for submitting (*e.g., capturing images...integrating them with Web documents*) document information (*e.g., images, text, sound, video, etc.,*) including a plurality of images (*e.g., images*) via a network (*e.g., a network*) [see the *Abstract and col.5, lines 30-63*], comprising:

- the step of storing (*e.g., stored*) input schedule information (*e.g., the stored information...temporally related, contented related*) of predetermined image input means (*e.g., the image capturing mechanism of a camera*) [see the discussion beginning at *col.7, line 14*];
- the step of storing (*e.g., stored*) an image (*e.g., image*) obtained in accordance with the schedule information [see the discussion beginning at *col.7, line 14*];

- the step of designating an image (*e.g., defines "CurrentImage"*) among the plurality of images (*e.g., images*) in the document information [*see the discussion beginning at col.8, line 11*]; and
- the step of creating new document information (*e.g., create Web documents by capturing images and other media... automatically available on the WWW and may be easily incorporated into user's Web documents/the camera translates the request for CurrentImage.gif into a command to capture an image and send it back to a requester in gif format...the HTML document contains all information a browser needs for displaying a Web page*) [*see the discussions beginning at col.5, line 54 and col.8, line 11*].

Wolff, however, does not specifically teach substituting the designated image by a new image.

Dan teaches substituting an image in an HTML document by a new image to create a new HTML document (*e.g., to replace an image...find the image...upload your new image...replace the old image with the new one; col.14, lines 43-49/an image "Joe.gif" to replace with new image, such as, "Jane.gif" ...the user may regenerate the web page or the web site, after replacing the image; col.27, lines 5-10*).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Dan with Wolff because Dan's teaching would have allowed users to interface with a web management tool and create and review

changes to a web page directly on the World Wide Web in real-time (*Dan; col.2, lines 6-52*).

As to claim 10:

Note the rejection of claim 9 above. Claim 10 is the same as claim 9, except claim 10 is a storage medium claim and claim 9 is a method claim.

As to claim 1:

Note the rejection of claim 9 above. Claim 1 is the same as claim 9, except claim 1 is an apparatus claim and claim 9 is a method claim.

As to claim 2:

Wolff teaches means for transferring the document information created by the document creation unit (*e.g., the data captured...automatically available on the WWW and may be easily incorporated into user's Web documents*) to a network server (*e.g., Web servers*) [*col.5, lines 46-63*].

As to claim 4:

Wolff teaches displaying control means for displaying the changed image in a different pattern (*e.g., see the discussion beginning at col.8, line 16*).

As to claim 5:

Wolff teaches when the image among the plurality of images in the document information is designated, displaying that image in a pattern different from other images (*e.g., see the discussion beginning at col.8, line 16*).

As to claim 6:

Wolff teaches storing an image prepared in advance (*e.g., see the capturing and storing images discussion beginning at col.7, line 14*), and submitting an image among the plurality of images in the document information, which is not changed by the image prepared in advance (*refer to the discussion in claim 9 above regarding substituting / replacing images*).

As to claim 7:

Wolff teaches the document information is HTML document information (*e.g., see the HTML document discussion beginning at col. 8, line 16*).

As to claim 8:

Wolff teaches the input schedule includes an image sensing position (*e.g., pointers to current or archived images*) and time (*e.g., temporally related*) [*e.g., see the discussion beginning at col. 7, line 13*].

As to claim 69:

Wolff teaches before the designation, images of the plurality of images are displayed to a user, and wherein, after the designation, a display to a user is made that comprises the images that were displayed to the user before the designation, other than the designated image, and the image stored in the image storage unit *[see the discussions beginning at col.5, line 54 and col.8, line 11]*, that, in the substitution, replaces the designated image *(refer to the discussion in claim 9 above regarding substituting/replacing images)*.

Response to Arguments

6. Applicants' arguments filed 02/13/2006 have been fully considered but are moot in view of the new ground(s) rejection.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Yamakawa et al.	U.S. Pat. No. 5,907,851	Issued: May 25, 1999
Carter et al.	U.S. Pat. No. 5,982,362	Issued: Nov. 9, 1999
Sasaki et al.	U.S. Pat. No. 6,122,005	Issued: Sep. 19, 2000
Wolff et al.	U.S. Pat. No. 6,209,048	Issued: Mar. 27, 2001
Okuno et al.	U.S. Pat. No. 6,438,566	Issued: Aug. 20, 2002
Blumberg	U.S. Pat. No. 6,874,131	Issued: Mar. 29, 2005

Contact information

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Maikhanh Nguyen whose telephone number is (571) 272-4093. The examiner can normally be reached on Monday - Friday from 9:00am – 5:30 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached at (571) 272-4136.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MN


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